

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Dwight Thomas Elder, Jr.,)	
)	C/A No. 5:08-0696-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Jimmy Pacheco, M.D.; and Geraldine)	
Mayor, M.D.,)	
)	
Defendants.)	
_____)	

Plaintiff Dwight Thomas Elder, Jr. brings this action pro se and in forma pauperis against two physicians, asserting that he was “mentally sick” between 1996 and 2004 and that he was prescribed medication that “took away [his] sexual feeling.” See generally Complaint (Entries 1, 8).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915. On April 2, 2008, the Magistrate Judge filed a Report and Recommendation in which he recommended that the within action be summarily dismissed for lack of subject matter jurisdiction. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C.

§ 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. The complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

May 14, 2008

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.